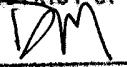


FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

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CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY   
DEPUTY

RELIABLE CONSULTANTS, INC.  
d/b/a DREAMER'S and LE ROUGE BOUTIQUE, : Case No. A04-CA-086-LY

Plaintiff, :  
PHE, INC. d/b/a ADAM & EVE, INC., :  
Plaintiff-Intervenor, :  
v. :  
RONNIE EARLE, :  
In His Official Capacity Only, :  
Travis County District Attorney, :  
Defendant, :  
STATE OF TEXAS, :  
Defendant-Intervenor. :  
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**FINAL JUDGMENT**

The Court now renders final judgment as to all claims of Plaintiffs Reliable Consultants, Inc. and PHE, Inc. against Defendant Ronnie Earle, in his official capacity as the Travis County District Attorney, and the Defendant-Intervenor State of Texas. For the reasons given in the decision of the United States Court of Appeals for the Fifth Circuit in this case, it is hereby:

ORDERED, ADJUDGED and DECREED that Texas Penal Code §§ 43.23, to the extent that it applies to "obscene devices" as defined in Texas Penal Code § 43.21(a)(7), is declared to be facially unconstitutional and unenforceable throughout the State of Texas.

It is SO ORDERED.

Dated: November 26, 2008

  
\_\_\_\_\_  
Judge Lee Yeakel  
UNITED STATES DISTRICT COURT